

Nov. 8. 2006 4:35PM

RECEIVED No. 0009 P. 1
CENTRAL FAX CENTER

NOV 08 2006

Certificate Of Transmission

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (571) 273-8300 on November 8, 2006.

Respectfully submitted,


By: Byron S. Kuzara
Registration Number 51,255
Banner & Witcoff, Ltd.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re Application of</i>)	
Frederick J. DOJAN, et al.)	Art Unit: 1772
Serial Number 10/767,404)	Examiner: Miggins, M.
Filed: January 28, 2004)	Attorney Reference: 51-1133
For: FLUID-FILLED BLADDER WITH A)	
REINFORCING STRUCTURE)	

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22313

Sir:

In response to the Election of Species Requirement mailed October 12, 2006, the Applicants elect claims 1-17 with traverse.

The Election of Species Requirement groups claims and identifies the groups of claims as "product species." MPEP §806.04(e) states the following:

- Claims are definitions or descriptions of inventions. Claims themselves are never species;

- The scope of a claim may be limited to a single disclosed embodiment (i.e., a single species); and
- Species always refer to the different embodiments of the invention.

The Election of Species Requirement, however, states that the Applicants "must select from the following product species...Claims 1-17...Claims 18-25...Claims 41-46...." In contrast, the Election of Species Requirement should have provided the Applicants with an opportunity to elect a species (i.e., a single disclosed embodiment) for further prosecution. Each of claims 1-25 and 41-46 relate to the species depicted in Figures 1-11 of the above-captioned application and should, therefore, be considered by the Examiner. Moreover, the Applicants elected the species of Figures 1-11 in a Response to Restriction and Election of Species Requirements filed July 17, 2006.

Based upon the above discussion, the Applicants respectfully submit that each of claims 1-25 and 41-46 relate to the species depicted in Figures 1-11 and should all be considered by the Examiner.

This Response is being timely filed by facsimile transmission on November 8, 2006. Should fees be deemed necessary for consideration of this Response, such fees are hereby requested and the Commissioner is authorized to charge deposit account number 502846 for payment. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 222-5382.

Respectfully submitted,

By: 
Byron S. Kuzara
Registration Number 51,255

Plumsea Law Group, LLC
10411 Motor City Drive, Suite 320
Bethesda, MD 20817

Dated: November 8, 2006